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C O N F I D E N T I A L SECTION 01 OF 02 ALGIERS 000381

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SUBJECT: FOREIGN MINISTER ON GUANTANAMO, WESTERN SAHARA,  
SUDAN

REF: ALGIERS 356

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Classified By: Ambassador David D. Pearce; reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: In addition to the peace process (reftel), Foreign Minister Medelci raised cooperation on Guantanamo detainees, negotiations on Western Sahara and the ICC arrest warrant for Sudanese President Bashir during his April 7 meeting with the Ambassador at MFA. Medelci said Algeria would continue to work with the U.S. to facilitate the return of Algerian detainees held in Guantanamo. Recalling UNSYG Personal Envoy Christopher Ross' recent visit to Algeria, Medelci said Ross' plan to hold informal talks with the parties before declaring a fifth Manhasset round was a good idea and that Algeria was ready to assist. He hoped the international community would adopt a constructive approach on Western Sahara and urged UNSC members to act as arbiters and "not lean one way or another" on the issue. Medelci reiterated the Doha summit's rejection of the ICC arrest warrant for Sudanese President Bashir. Leaders at Doha were concerned about the humanitarian crisis in Darfur, but could not accept "an arcane legal approach" to solve a problem they believed was political, Medelci said. African Union and Arab League countries, Medelci explained, don't accept the idea that an outsider can tell a people their elected president is no good. Moreover, he said, the assembled leaders contrasted the ICC action against Bashir with the lack of effort to hold Israel to account for the violence in Gaza. Medelci reaffirmed interest in a visit by the Secretary and invited the Ambassador to reconvene after Algeria's presidential election to review bilateral issues, and discuss a road map for future cooperation. END SUMMARY.

GTMO COOPERATION EASIER  
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¶2. (C) After Medelci's brief on issues related to the peace process raised at Doha (reftel), he touched on cooperation related to Guantanamo detainees, challenges for Western Sahara, and the Arab summit declaration on Sudanese President Bashir's ICC arrest warrant. Medelci said his government better understood U.S. intentions regarding returned Algerian detainees from Guantanamo, and this had helped recent coordination on the issue. He asserted that Algeria could continue to work with the U.S. in the same spirit of cooperation and vigilance, coordinating efforts through our countries' respective liaison services. The Ambassador said the USG valued cooperation with Algeria on counter-terrorism, including on this issue, as the Secretary had made plain at Sharm el-Sheikh.

13. (C) Medelci hoped the international community would remain seized of the challenges facing both parties in the dispute over Western Sahara. He praised UNSYG Personal Envoy Christopher Ross as "an excellent choice and an American we respect." Medelci said he had a productive meeting with Ross in February and called Ross' meeting with President Bouteflika during his visit to Algeria "excellent." Medelci said Ross' plan to hold an informal meeting between the parties before exploring openings for a fifth round of talks was a good idea and should permit Ross to prepare a timely report to UNSYG Ban Ki-Moon. Medelci believed such a meeting would be a constructive way to consider both parties' concerns ahead of a fifth Manhasset round.

14. (C) The FM suggested that MINURSO might be used to give more visibility to the issue. There needed to be confidence-building measures, he said, to create space for dialogue. Medelci believed Ross shared the same goal. "We told him we were ready to assist him. It's a complicated situation." Medelci hoped the international community would also take a constructive approach and keep a cool head, saying "the issue is about decolonization." He commented pointedly that some UNSC members took positions outside the Council that contradicted UNSC resolutions. Medelci believed the Security Council should be an arbiter, and said that "we need arbiters that don't lean one way or another." He told the Ambassador that Algeria had made this concern known, including to the U.S., and hoped the message would be heard. The Ambassador said the U.S. had confidence in Ross and was looking forward to his ideas on next steps.

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ICC ARREST WARRANT A MISTAKE  
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15. (C) Returning again to the Doha summit, Medelci said that human rights were also on the agenda for Africa, and that members of the African Union (AU) and the Arab League (AL) were concerned about the humanitarian situation in Darfur. But leaders at Doha were unanimous in opposing the International Criminal Court's (ICC) arrest warrant for Sudanese President Bashir. Medelci said the consensus view in Doha favored giving Sudan an opportunity to resolve the crisis through reconciliation, a process Medelci said the Sudanese government was already engaged in. Furthermore, Medelci underlined, the assembled leaders contrasted the international community's readiness to endorse a warrant for a serving Arab head of state with the complete lack of accountability for Israel's actions in Gaza.

16. (C) In general, Medelci asserted the ICC decision created more problems than it solved. He said that the arrest warrant allowed the Sudanese government to close ranks around its president, which drew attention away from humanitarian concerns. There was also the problem of conflicting interpretations of international conventions -- particularly the Rome Statute and the Vienna Convention -- concerning immunity for heads of state. At the AU summit in Sharm el-Sheikh in 2008, Medelci said, African heads of state had proposed freezing the process related to the Rome Statute and holding a high-level meeting to clarify these perceived contradictions, but they never received a response. He added that no leaders at Doha accepted that someone from outside could tell a people that their elected president was no good.

17. (C) Medelci called the ICC issue "a particularly annoying subject," saying that to give such decisions more credibility the international community needed to revisit the Rome Statute and convince more countries to ratify it. He cautioned that there were no easy solutions, and that

solutions should reflect the reality on the ground.

"Opposition to the ICC warrant was a matter of principle for many of us," he said. Medelci claimed that to fail to punish those responsible for the "abominable" aggression in Gaza while placing Bashir in prison was unrealistic. The issue of Sudan was political. "In Doha we said 'enough.' We are not going to enter into an arcane discussion of international law to resolve a political problem. There needs to be a rational approach." The Ambassador pointed out the fundamental concern about the expulsion of NGOs and the need to avoid a humanitarian crisis. Medelci said that 12 NGOs had been expelled by Sudan, but the Sudanese government asserted 60 humanitarian organizations remained in Darfur and they were capable of doing the work the others had done. The Sudanese told summiteers in Doha that the organizations expelled had been directly reporting information to the ICC. He said Khartoum's view was that "they had become political, and thereby forfeited their NGO status."

18. (C) COMMENT: Foreign Minister Medelci appears to have grown into his job. He seemed much more relaxed and in command of his brief than during Ambassador's last meeting about six months ago. Discussions of both the peace process (reftel) and Sudan were detailed and presented with confidence; indeed, his remarks previewed themes that Senator Mitchell was to hear from President Bouteflika on April 14. He projected considerable interest in developing bilateral contacts. At the start of the meeting, he restated his interest in a visit by the Secretary. At the end, when the session was cut short by his need to attend an election event, the FM suggested another meeting after the vote to develop a roadmap for next steps on bilateral issues.  
PEARCE